

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7002

BILL NUMBER: HB 1389

NOTE PREPARED: Jan 13, 2014

BILL AMENDED:

SUBJECT: Child Protection Registry.

FIRST AUTHOR: Rep. Ober

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Pending

Summary of Legislation: This bill has the following provisions:

- (1) Requires the Securities Commissioner under the Secretary of State (SOS) to establish, or contract with a third party to establish, a child protection registry.
- (2) Permits a person to register a "contact point" that a minor owns, a minor has or could have access to, or is used in a household in which a minor is present.
- (3) Defines a "contact point" as:
 - (A) an electronic mail address;
 - (B) an instant message identity;
 - (C) a mobile or other telephone number;
 - (D) a facsimile number; or
 - (E) other certain electronic addresses.
- (4) Permits: (a) a school; or (b) another institution that primarily serves minors; to register its domain name.
- (5) Provides that a person may not send an adult communication to a contact point or domain name if the contact point or domain name has been registered with the Securities Commissioner for more than 30 days.
- (6) Requires, with an exception, persons who send adult communications to check the registry to ensure compliance with the law.
- (7) Makes it improper adult communication, a Class A misdemeanor, to knowingly or intentionally send, cause to be sent, or conspire with a third party to send an adult communication to a registered contact point or registered domain name.
- (8) Makes it a Level 6 felony to knowingly or intentionally:
 - (A) use information obtained from the registry to commit improper adult communication;
 - (B) check the registry to obtain a contact point from the registry or attempt to obtain a contact point

from the registry for purposes other than to determine whether the contact point is a registered contact point;

(C) use information from the registry to send a solicitation; or

(D) transfer to another person information from the registry knowing the other person intends to use the information to send a solicitation.

(9) Provides for civil enforcement.

Effective Date: July 1, 2014.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.